

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 27, 1993
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:04 a.m.
Mayor Golding adjourned the meeting at 11:54 a.m. to convene the
Redevelopment Agency and the Housing Authority.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present

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- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member Behr regarding Item No. 7 of the Redevelopment Agency Docket that has been withdrawn.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A032-042.)

ITEM-113: (R-93-1652) ADOPTED AS RESOLUTION R-281843

Authorizing the City Manager to apply for, accept, and administer grant funds from the U.S. Department of Education to expand the Library's foreign language collection.

(Centre City, Linda Vista, Mid-City, Mira Mesa, Otay Mesa/Nestor, San Ysidro and Southeast San Diego Community Areas. Districts-2,3,5,6, & 8.)

CITY MANAGER SUPPORTING INFORMATION: The United States Department of Education has invited the San Diego Public Library to apply for grant funds to expand its collection of foreign language materials. The grant will allow the Library to enhance library services by expanding its collection of Spanish, Vietnamese, Cambodian, Hmong and Laotian language materials in seven libraries that serve these communities. In addition, each library will develop and expand partnerships with area schools, Hispanic and Indochinese community organizations, agencies and churches.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A049-053.)

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-310: DID NOT APPEAR

Welcoming a group of approximately 10 students from Madison High School, accompanied by Janet Terry. This group will arrive at approximately 10:30 a.m. (District-6.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: --.)

ITEM-311: GRANTED HEARING

The matter of the request of James Milch, Attorney, for Manuel A. and Mary Silva (Applicants) for a hearing of an appeal from the decision of the Board of Zoning Appeals in partially approving the request to maintain the following currently in violation: (1) a maximum 14'-0" high combination retaining wall/open fence within the 15'-0" front yard where a maximum combined height of 9'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (2) portions of said retaining wall/open fence within driveway visibility area where 3'-0" is the maximum height permitted; (3) a maximum 15'-2" high combination retaining wall/open fence within the interior side yard where a maximum combined height of 12'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (4) a maximum 9'-10" high combination retaining wall/open fence within the 4'-0" rear yard where a maximum combined height of 12'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (5) a maximum 7'-2" high wrought iron gate within the 15'-0" front yard where a maximum 6'-0" high gate is permitted, provided that the bottom 3'-0" is solid and the top 3'-0" is 50% open in compliance with design criteria; (6) a maximum 6'-9" column with a

2'-3" light fixture on top located within the required front yard where a maximum 3'-0" height is permitted; (7) said column also located within the driveway visibility area where a maximum height of 3'-0" height is permitted; (8) a maximum 9'-0" high column located within the required front yard where a maximum height of 3'-0" is permitted; (9) portion of said column located within the driveway visibility area; (10) maximum 4'-0" high combination open fence/solid wall located within the driveway visibility area where a maximum 3'-0" height is permitted; (11) a maximum 10'-4" high combination retaining wall and solid/open fence located within the required front yard where a maximum 9'-0" height is permitted provided that no single plane exceeds 6'-0" in height and the fence/wall meets design criteria for fences. The subject property is described as Lots 1, 2 and 3, Block 39, Roseville, Map 305, and is located at 1311 Plum Street, in R1-5000 Zone, within the Peninsula Community Plan area. (C-21018. District-2.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE - Zoning Appeals C-21018

COUNCIL ACTION: (Tape location: A058-072.)

MOTION BY ROBERTS TO APPROVE THE HEARING DUE TO CITY-WIDE CONCERN. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-330:

The matter of a request to rezone the Solar Turbines Incorporated property as part of the implementation of the Kearny Mesa Community Plan. The 46.03-acre site is located at 4242 Ruffin Road, south of Balboa Avenue. The subject property is further described as Parcel 2 of Parcel Map PM-14093. The M1-B zoned site is proposed to be rezoned to the Manufacturing-Light Industrial (ML-I) zone. The subject property is within the Kearny Mesa Community Plan. (Rezoning Case-92-0651. District-6.)

Subitem-A: (R-93-1482) ADOPTED AS RESOLUTION R-281844

Adoption of a Resolution certifying that the information contained in Addendum DEP-92-0651 to Supplemental Environmental Impact Report DEP-91-0844 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-93-129) INTRODUCED, TO BE ADOPTED MAY 17, 1993

Introduction of an Ordinance rezoning to the ML-I Zone.

FILE LOCATION: SUBITEM-A: ZONE ORD NO.; SUBITEM-B:--

COUNCIL ACTION: (Tape location: A083-117.)

Hearing began at 10:12 a.m. and halted at 10:20 a.m.

MOTION BY WOLFSHEIMER TO ADOPT THE CITY MANAGER'S RECOMMENDATION. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: (R-93-1554) ADOPTED AS RESOLUTION R-281845

Adoption of a Resolution determining the City-wide Vacancy Rate for Apartment Rental Units.
(City-wide.)

CITY MANAGER SUPPORTING INFORMATION: Provisions of the Municipal Code pertaining to: a) the Conversion of apartments to condominiums and b) companion units ("granny flats") require the Planning Commission and the City Council to determine whether the City-wide average vacancy rate for residential rental units exceeded five percent the previous calendar year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A083-117.)

Hearing began at 10:12 a.m. and halted at 10:20 a.m.

MOTION BY WOLFSHEIMER TO ADOPT THE CITY MANAGER'S RECOMMENDATION. THE CITY ATTORNEY IS DIRECTED TO COME BACK WITH AN OPINION ON HOW TO STRUCTURE THE NOTICE SO THAT THE PUBLIC DISCLOSURE PART OF IT IS CLEAR. Second by Behr.

Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

Two actions relative to the Carmel Valley Facilities
Benefit Assessment:
(See City Manager Report CMR-93-66. District-1.)

Subitem-A: (R-93-1456) ADOPTED AS RESOLUTION R-281920

Approving the document entitled "Carmel Valley Public
Facilities Financing Plan and Facilities Benefit
Assessment, January, 1993."

Subitem-B: (R-93-1457) ADOPTED AS RESOLUTION R-281846

Resolution of Intention to designate two areas of
benefit in Carmel Valley and setting the time and place
for holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 3/17/93.
Recommendation to approve the draft financing plan excluding
funding for State Route 56.
Districts 1,2, and 6 voted yea. Districts 5 and 7 not
present.

FILE LOCATION: STRT FB-8

COUNCIL ACTION: (Tape location: A182-B498.)

MOTION BY WOLFSHEIMER TO REFER THE REPORT TO THE CITY
MANAGER WITH THE FOLLOWING DIRECTION: 1.) LOOK INTO A FAIR
ALLOCATION FOR THE FUNDING FOR ROUTE 56. LOOK TO THE ADTS
(AVERAGE DAILY TRIPS) FOR VARIOUS PROJECTS IN THE FUTURE
URBANIZING AREA THAT WOULD AFFECT IT. 2.) LOOK INTO
FINANCING THE INTERSECTION THROUGH TOLL ROADS. SHOULD THIS
BE DONE, CARMEL VALLEY COULD BE REIMBURSED FOR MORE THAN THE
FAIR SHARE THAT IT HAS PAID. 3.) CONSIDER THE SEVERANCE OF
SORRENTO HILLS FROM CARMEL VALLEY IN TERMS OF TRYING TO
UNITE THEIR FBA'S (FACILITIES BENEFIT ASSESSMENTS). 4.)
LOOK INTO AN AMENDMENT OF THE TRANSPORTATION PHASING PLAN
BECAUSE THAT MAY GIVE SOME BASIC RELIEF TO DEVELOPERS WHO
WANT TO MOVE AHEAD. 5.) AS DIRECTED BY COUNCIL MEMBER
McCARTY, RESPOND TO THE LETTER FROM PARDEE CONSTRUCTION
COMPANY THAT WAS DISTRIBUTED AT TIME OF COUNCIL. INCLUDE
COUNCIL MEMBER ROBERTS' DIRECTION TO THE CITY MANAGER TO: 1)

PROVIDE INFORMATION ON EACH OF THE COMMUNITIES AS TO WHAT IT MEANS PER UNIT ASSESSED AGAINST A DWELLING UNIT. WHAT IS THE ACTUAL IMPACT ON EACH FAMILY IN EACH OF THOSE COMMUNITIES. 2) CLARIFY, IN THE NEXT STAFF REPORT, THE COMMUNITIES THAT ARE WITHIN THE URBANIZED AREA, THEIR OBLIGATIONS AND RELATIONSHIP TO THIS DISCUSSION, AND ANY RELATED PROJECTS IN ORDER TO RESOLVE THIS TO: (a) ENSURE THE ROAD; AND (b) THAT IT IS DONE IN A FAIR MANNER. SET THE HEARING FOR JUNE 15, 1993, WITH THE ISSUES CLEARLY DELINEATED ON THE DOCKET AND ALSO THOSE DIRECTIVES ON THE DOCKET. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: (O-93-133) INTRODUCED, TO BE ADOPTED MAY 17, 1993

Introduction of an Ordinance amending Chapter X, Article 1, Division 8, of the San Diego Municipal Code, by amending Section 101.0821, relating to Tandem Parking, to allow tandem parking in the Golden Hill Community Plan Area, the Uptown Community Plan Area, and in the Mission Valley Community Plan area, and to not allow tandem parking in Pacific Beach.
(Districts-2,3,6 and 8.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: C338-343.)

MOTION BY STALLINGS TO INTRODUCE. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-334: (R-93-1656) CONTINUED TO MAY 4, 1993

Approving the First Implementation Agreement to the Amended Disposition and Development Agreement with Mercado Apartments (successor to the Metropolitan Area Advisory Committee);

authorizing the use of funds from the College Grove and Centre City Low and Moderate Income Housing Funds to pay part of the cost of developing the housing; determining that this use of the funds will benefit the

Centre City and College Grove Redevelopment Projects.
(See Redevelopment Agency Report 93.24/RA. Barrio
Logan/Harbor 101 Community Area. District-8.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A073-078.)

MOTION BY STALLINGS TO CONTINUE THE ITEM ONE WEEK, TO MAY 4, 1993, AS REQUESTED BY THE CITY MANAGER, TO ALLOW FOR PROPER NOTICING. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

(Continued from the meeting of April 20, 1993, Item 335, at Councilmember Wolfsheimer's request, for further review of conditions should the project be approved.)

Consideration of a request, by Calbiochem Corporation, for a Community Plan and North City Local Coastal Program Amendment, Planned Industrial Development Permit, PID-89-0928 and Coastal Development Permit CDP-89-0928 (Balit-CBC). The project proposes to construct an additional 163,000 square feet of gross industrial floor area and related site improvements (including expanded site landscaping and off-street parking) to an existing scientific research and office facility on a 16-acre site located on the east side of North Torrey Pines Road, between Science Park Road and Callan Road. The project site is legally described as Lot 1 of Torrey Pines Science Park, Unit No. 1, Map-6220. The SR (Scientific Research) zoned site is located within the University Community Planning Area. An amendment to the adopted University Community Plan and the City of San Diego North City Local Coastal Program is required to implement the proposed increase in site density.

The project site/development is located in the City of San Diego Coastal Zone and therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision regarding this project will be with the California Coastal Commission. The City of San Diego must submit this

application as an amendment for certification to the Coastal Commission. The amendment is not effective in the coastal zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to Mike Westlake of the Planning Department, 202 "C" Street, MS 660, San Diego, CA 92101-3862, (619)533-3647 before the close of the City Council public hearing.

(CP & NCLCP AMENDMENT/CDP/PID-89-0928. District-1.)

Subitem-A: (R-93-1870) ADOPTED AS RESOLUTION R-281847

Adoption of a Resolution certifying that the information contained in Supplemental Environmental Impact Report DEP-89-0928 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-93-1871 Cor.Copy) ADOPTED AS
RESOLUTION R-281848

Adoption of a Resolution amending the University Community Plan and the City of San Diego North City Local Coastal Program.

Subitem-C: (R-93-1872) ADOPTED AS RESOLUTION
R-281849, GRANTED PERMIT

Adoption of a Resolution granting or denying the Coastal Development Permit.

Subitem-D: (R-93-1873) ADOPTED AS RESOLUTION
R-281850, GRANTED PERMIT

Adoption of a Resolution granting or denying the Planned Industrial Development Permit.

FILE LOCATION: SUBITEMS-A&B: LAND-University Community Plan;
SUBITEM-C: CDP-89-0928; SUBITEM-D:
PID-89-0928

COUNCIL ACTION: (Tape location: B499-C330.)

Hearing began at 11:24 a.m. and halted at 11:53 a.m.

Testimony in favor by Jeffrey Taxson.

Motion by Wolfsheimer to approve the project and add to it those conditions stated by Mr. Freeman (Planning Director) in his staff Report No. P-93-080. Second by Stallings.

Motion by Roberts to amend Council Member Wolfsheimer's motion by deleting that section (Section "f" of Report No. P-93-080) that deals with penalties on trips per day and any additional requirements beyond the transportation ordinance that the City Council has already adopted. Second by McCarty. Yeas: 2,4,5,7,8. Nay-1,6,M. Not present: 3.

Motion by Wolfsheimer to withdraw the original motion and deny the project. No second.

Substitute Motion by Roberts to approve the project as amended, removing the special penalty and kiosk and the requirements for driveway metering. Second by McCarty. Motion withdrawn.

MODIFIED MOTION BY ROBERTS TO APPROVE THE PROJECT WITH THE CONDITION THAT THERE WOULD NOT BE ANY REQUIREMENTS FOR MONITORING BEYOND THAT WHICH IS REQUIRED BY OTHER BUSINESSES CITY-WIDE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:54 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C350).